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OFFICE OF PETITIONS

Patent No. 7,218,422 : LETTER REGARDING
Issue Date: May 15, 2007 : PATENT TERM ADJUSTMENT
Application No. 10/046,480 : AND
Filed: January 16, 2002 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 03560.002135.1: CERTIFICATE OF CORRECTION

This is in response to the "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT" filed November 15, 2007. Pursuant to patentees' duty of good faith and candor to the Office, patentees request review of the patent term adjustment on the basis that the PAIR system appears to indicate an incorrect number of days.

The request for review of patent term adjustment indicated in the patent is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of four hundred thirty-five (435) days.

On February 20, 2007, this application matured into U.S. Patent No. 7,218,422, with a revised patent term adjustment of 435 days. Patentees attribute any error to the failure of the Office to consider the filing of papers in their correct chronological order, and/or the failure of the PTO to consider the actual dates on which the PTO took action in response to the filing of papers.

A review of the application history confirms that the revised patent term adjustment of 525 days was incorrect. Rather than a period of reduction of 90 days for the filing of an IDS on

February 15, 2007, the Office should have entered periods of reduction of 25, 122 and 33 days respectively for Information Disclosure Statements (IDS) filed on November 25, 2002, November 8, 2004 and February 15, 2007. None of the IDSs included a § 1.704(d) statement.

The IDSs filed November 25, 2002 and November 8, 2004 were filed after initial responses were filed on October 31, 2002 and July 9, 2004 respectively. Moreover, these IDS were not expressly requested by the examiner. Accordingly, reductions of 25 and 122 days respectively were warranted pursuant to 37 CFR 1.704(c)(8).

The IDS filed February 15, 2007 was filed after the mailing of the notice of allowance. A response to this IDS was mailed on March 19, 2007. Accordingly, a reduction of 33 days was warranted pursuant to 37 CFR 1.704(C)(10).

In view thereof, the patent should have issued with a revised patent term adjustment of four hundred thirty-five (435) days.

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **FOUR HUNDRED THIRTY-FIVE (435)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,218,422 B2
DATED : May 15, 2007
INVENTOR(S) : Shiraiwa

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 525 days

Delete the phrase "by 525 days" and insert -- by 435 days--